

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BRAUN GmbH,

Plaintiff,

v.

RAYOVAC CORPORATION,

Defendant.

Civil Action No. 03-CV-12428-WGY

**DECLARATION OF DALILA ARGAEZ WENDLANDT IN SUPPORT OF
BRAUN GmbH'S MOTION FOR
PARTIAL SUMMARY JUDGMENT ON INVALIDITY**

I, Dalila Arguez Wendlandt, hereby declare under penalty of perjury that:

1. I am an associate at the law firm of Ropes & Gray, counsel for plaintiff Braun GmbH. I make this declaration in support of Braun GmbH's Motion for Partial Summary Judgment on Invalidity.

2. Attached hereto as Exhibit A is a true and accurate copy of U.S. Patent No. 5,711,328 (the "'328 Patent").

3. Attached hereto as Exhibit B is a true and accurate copy of U.S. Patent No. 5,649,556 (the "'556 Patent").

4. Attached hereto as Exhibit C is a true and accurate copy of the prosecution history of the '328 Patent.

5. Attached hereto as Exhibit D is a true and accurate copy of the prosecution history of the '556 Patent.
6. Attached hereto as Exhibit E is a true and accurate copy of U.S. Patent No. 3,365,267 (the "McKiney Patent").
7. Attached hereto as Exhibit F is a true and accurate copy of U.S. Patent No. 3,478,758 (the "Davies Patent").
8. Attached hereto as Exhibit G is a true and accurate copy of U.S. Patent No. 3,500,840 (the "Maatz Patent").
9. Attached hereto as Exhibit H is a true and accurate copy of French Patent No. 2,568,111.
10. Attached hereto as Exhibit I is a true and accurate copy of an English translation of French Patent No. 2,568,111.
11. Attached hereto as Exhibit J is a true and accurate copy of U.S. Patent No. 3,890,988 (the "Lee Patent").
12. Attached hereto as Exhibit K is a true and accurate copy of U.S. Patent No. 4,815,486 (the "Schinn Patent").
13. Attached hereto as Exhibit L is a true and accurate copy of U.S. Patent No. 5,335,394 (the "Cunningham Patent").
14. Attached hereto as Exhibit M is a true and accurate copy of the transcript for the deposition of James Doyle, taken June 3, 2005.
15. Attached hereto as Exhibit N is a true and accurate copy of the transcript for the deposition of Dietrich Pahl, taken April 28, 2005.

16. Attached hereto as Exhibit O is a true and accurate copy of the transcript for the deposition of Gebhard Braun, taken April 26, 2005.

17. Attached hereto as Exhibit P is a true and accurate copy of the transcript for the deposition of Gebhard Braun, taken April 27, 2005.

18. Attached hereto as Exhibit Q is a true and accurate copy of a rough draft of the transcript for the deposition of Wolfgang Vorbeck, taken August 10, 2005.

19. Attached hereto as Exhibit R is a true and accurate copy of the transcript for the deposition of Alan Schoepp, taken May 12, 2005.

20. Attached hereto as Exhibit S is a true and accurate copy of the transcript for the deposition of Juergen Hoeser, taken May 11 2005.

21. Attached hereto as Exhibit T is a true and accurate copy of the transcript for the deposition of Juergen Hoeser, taken May 12, 2005.

22. Attached hereto as Exhibit U is a true and accurate copy of the transcript for the deposition of Norbert Smetana, taken April 29, 2005.

23. Attached hereto as Exhibit V is a true and accurate copy of the transcript of March 15, 2005 Hearing Before Judge Young.

24. Attached hereto as Exhibit W is a true and accurate copy of the First Expert Report of Samuel R. Phillips.

25. Attached hereto as Exhibit X is a true and accurate copy of the Third Expert Report of Samuel R. Phillips.

26. Attached hereto as Exhibit Y is a true and accurate copy of the thesis of Stefan Zeischke.

27. Attached hereto as Exhibit Z is a true and accurate copy of an English translation of the thesis of Stefan Zeischke.

28. Attached hereto as Exhibit AA is a true and correct copy of the assignment of the '328 Patent from Mr. Gehbard Braun to Braun GmbH.

I declare under the penalty of perjury that the foregoing is true and correct.

August 22, 2005
Date

/s/ Dalila Argaez Wendlandt
Dalila Argaez Wendlandt